

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA

v.

3:16-CR-00386-01 (FAB)

HUMBERTO LOPEZ-DELGADO

**MOTION REQUESTING MODIFICATION OF
SUPERVISED RELEASE CONDITIONS**

U.S. PROBATION OFFICER ISRAEL SANCHEZ-AMARO, of this Honorable Court, respectfully informs and requests as follows:

On September 20, 2018, Mr. Humberto Lopez-Delgado was sentenced to serve ninety-six (96) months of imprisonment, and a three (3) year supervised release term, for violating Title 18, U.S. Code, Section 922(o)(1) and 924 (a)(2), that is, possession of a machinegun. On April 25, 2024, Mr. Lopez-Delgado commenced the supervision term imposed, which is scheduled to expire on April 24, 2027. Among the special conditions of supervised released imposed by the Court in the Judgment of the Criminal Case, Mr. Lopez-Delgado was ordered to:

“Remain under curfew at his residence of record from 6:00pm to 6:00am for a period of six (6) months, to commence upon his release from imprisonment...” (Special Condition No. 7 as stated in the Judgment of the Criminal Case filed at Docket No. [180]).

On April 25, 2024, Mr. Lopez-Delgado arrived at Puerto Rico after being released from prison and commenced his term of supervised release, which is scheduled to expire on April 24, 2027. Prior to his arrival, the Probation Office received information from the Bureau of Prisons that Mr. Lopez-Delgado reported being homeless. Subsequently, the Probation Office

coordinated and referred Mr. Lopez-Delgado to transitional housing assistance with a provider under contract with the Probation Office to avoid him being homeless at the start of supervised release. From the time he arrived at our district to this date, he has remained participating in transitional housing and residential treatment where he has a secured dormitory and has his basic needs being provided for by the housing provider.

The Court shall also note that the transitional housing being paid for by the Probation Office, includes case management services, and Mr. Lopez-Delgado must abide by a set of regulations of the provider, including scheduling in advance day passes, limited transportation due to rural location, and not consuming any controlled substances, among other regulations.

On April 26, 2024, the Probation Office referred Mr. Lopez-Delgado to substance abuse treatment with the same housing provider, and he commenced to benefit from both individual drug counseling and medicated assisted treatment to reduce potential of drug recurrence and bring about opportunities to stabilize his drug use history.

The Probation Office seeks to notify the Court that Mr. Lopez-Delgado is a person under supervision with very limited community resources, has very little family support and is currently homeless.

The Probation Office respectfully submits to the Court that the Special Condition No. 7 imposed in the Judgment of the Criminal Case submitted in Docket No. [98], be suspended indefinitely, or at least until Mr. Lopez-Delgado secures permanent housing where he may be supervised accordingly with location monitoring. Mr. Lopez-Delgado sleeps in a shared dormitory with other people in a very limited space and considering he must abide by housing provider regulations and that his leaves from the program have to be purposeful and scheduled in advance; we recommend the location monitoring be suspended.

WHEREFORE, in the continued interest of tailoring strategies to successfully facilitate the desired outcomes of supervision by fashioning the least restrictive conditions of release to reasonably assure public safety and Mr. Lopez-Delgado's compliance with the terms of supervised release as required, we respectfully request that the Electronic Monitoring under Curfew special condition imposed during judgment of the criminal case be suspended indefinitely or at least until permanent housing is secured. If any behaviors that jeopardize public safety or non-compliance with the conditions of supervised release are noted, we will notify the court for proper action.

San Juan, Puerto Rico, April 29, 2024.

Respectfully submitted,

LUIS O. ENCARNACION, CHIEF
U.S. PROBATION OFFICER

s/Israel Sanchez-Amaro

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that today, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties in this case.

San Juan, Puerto Rico, April 29, 2024

s/Israel Sanchez-Amaro

Israel Sanchez-Amaro
U.S. Probation Officer

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